IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.563 OF 1999

...

Chandravadan Bhikaji Karalkar
and anr. ...Appellants

v/s.

The State of Maharashtra
and anr. ...Respondents

...

Shri H. Amin Solkar for the Appellants.
Shri A.M. Shringarpure, APP for the State.

...

CORAM: V.M.KANADE, J.

DATED: 15TH OCTOBER,2004

P.C.:

1. Heard the learned Counsel on behalf of the Appellants/ original Accused Nos. 4 & 5 and the learned APP for the State.

2. The Appellants/ original Accused Nos. 4 & 5 are convicted for the offence punishable under Section 29 read with Section 8(c) of the NDPS Act and sentenced to suffer R.I. for 10 years and to pay a fine of Rs.1,00,000/- each, in default to undergo R.I. for three months.

3. In the connected Appeal being Criminal Appeal No.378 of 1999, this Court by judgment and order dated 10-6-2004 confirmed the conviction and sentence of 10 years against accused No.1. However, the sentence awarded in default of payment of fine was reduced from 10 months to 3 months and one week, and the Appeal was disposed of in the above terms.

4. In the present case also the original Accused No.4 is in jail since 30-11-1994 and the original Accused No.5 is in jail since 2-2-1995. Original

Accused No.4 has practically completed his sentence of 10 years and Accused No.5 will be completing his sentence of 10 years on 2-2-2005.

5. The learned A.P.P. has taken me through the judgment and order passed by the trial court as also oral and documentary evidence adduced by the prosecution. In my view, there is no reason to defer the finding given by the trial court. The conviction and sentence, therefore, is confirmed, however, in the event the accused/Appellants are not in a position to pay the amount of fine, in that event, in default they shall have to undergo further sentence of two weeks, in stead of three months.

6. Appeal is partly allowed in the above terms.

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